

MEMO: Status of Reformed Episcopal orders
TO: Members of joint ECUSA/REC reciprocity discussions
FROM: Allen C. Guelzo, Dean of Faculty, Philadelphia Theological Seminary [Reformed Episcopal]
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John Henry Newman once remarked that Roman Catholics believe that they have valid orders because they are part of the Catholic Church, whereas Anglicans believe that they are part of the Catholic Church because they have valid orders. It is true that establishing the validity of orders has been a pre-occupation of Anglicans whenever they have had to enter into dialogue with anyone not in full communion with the See of Canterbury. Although the development of Anglican theology with reference to ministry has largely moved out of the mold cast for it in the fiery atmosphere of Victorian controversy, it is still true that no discussions between Reformed Episcopalians and the Episcopal Church can go very far until the question of orders has been put to rest.

Without wishing to uncover every possible question that can be asked concerning orders, I think it is safe to say in general that Anglicans recognize the validity of ministerial orders under the following conditions:

(a) when ordination is performed by a bishop who is in historic (or apostolic) succession from the See of Canterbury, and who is also in good standing under the canons of his respective province to perform episcopal acts. The canonical standing of the bishop is vital, since establishing that standing prevents the operation of episcopi vagantes. In the case of the consecration of a bishop, it is traditional that three bishops perform the consecration, although there have been exceptions in the recent past;

(b) when the person ordained/consecrated is a proper subject, i.e. is either a presbyter or deacon in proper canonical standing, or a candidate for orders who has passed the requisite examinations and ordination process appropriate to that diocese or province;

(c) when the form used in the consecration/ordination includes the laying-on of hands, and other liturgical formulae recognizable as distinctly Anglican (eg. the use of the *Veni Creator Spiritus*).

When we focus these questions on the Reformed Episcopal Church, both at the time of its founding in 1873 and in its subsequent history, the opinions which have been offered concerning Reformed Episcopal orders are mixed. Episcopalians who were close to the inflammatory events surrounding Bishop George David Cummins's sensational withdrawal from the Episcopal Church and his organization of the Reformed Episcopal Church tended to be violent and denunciatory, especially by Anglo-Catholic ultras. Even thirty years after the event, William Montgomery Brown (Bishop of Arkansas) attacked the Reformed Episcopalians as schismatics who were incapable of deriving valid orders from Cummins, since "Dr. Cummins held his Bishopric solely for use in the Catholic Church and not outside or against it." But this has not been the uniform response. By the 1930's, the passage of time and the softening of Anglo-Catholic influence in the Episcopal Church had

allowed for some second thoughts. When Bishop Frank Wilson chaired a "Commission on Approaches to Unity" in the late 1930's, which opened discussions with the Reformed Episcopalians for the first time since 1873, he offered the startling conclusion that "there appears to be little reason for questioning their orders." And even closer to the present, Raymond W. Albright's 1964 history of the Episcopal Church reviewed the circumstances of the founding of the Reformed Episcopal Church and flatly declared that "there was never any question about the validity of the orders of this church."

The striking variance in these opinions forces us back onto our own resources in evaluating this question; and the only way to make such a judgement will be to apply the three general criteria noted above to the actual historical situation of the Reformed Episcopal Church, both in 1873, and subsequently.

The single most important fact concerning the founding of the Reformed Episcopal Church was the man who led it, George David Cummins, who was then the Assistant Bishop of Kentucky (the Bishop of Kentucky, B.B. Smith, was then Presiding Bishop and residing outside his diocese, leaving Cummins to function in Kentucky as the de facto diocesan). Since Cummins was ordained deacon and priest by Alfred Lee (Bishop of Delaware) in the 1840's, and consecrated in 1866 by seven Episcopal bishops as the 81st bishop in the American Episcopal succession, there is no real question but that Cummins was a valid bishop in every Episcopalian sense of the word. The questions begin to arise only after Cummins's sensational resignation on November 10, 1873, and his announcement that he intended to "transfer" his "office and work to another sphere." That other sphere became apparent three weeks later when, in response to his call to organize a new church, Cummins and six other Episcopal clergymen founded the Reformed Episcopal Church.

Cummins was immediately elected the first Presiding Bishop of the Reformed Episcopal Church, and empowered to consecrate an assistant bishop to help him establish the new church. This, of course, greatly disturbed Bishop B.B. Smith and the other bishops of the Episcopal Church, who now had to decide how to respond, not only to Cummins's withdrawal, but to the possibility that he might create a new set of bishops himself. Some of Smith's advisors urged him to prosecute Cummins at once under Canon Nine, Title II of the then-existing canons, which would involve a presentment and a trial, and which would allow Smith to proceed rapidly against Cummins and legally forestall Cummins's exercise of his "office and work". However, Smith's legal counsel advised against such a trial on prudential grounds; and the Standing Committee of the Diocese of Kentucky adamantly refused to issue the required presentment. Hence, Smith chose to operate against Cummins under the provisions of Canon Eight, Title II of the canons, concerning "abandonment of communion." This would allow Smith to simply to issue a certificate which recognized the fact of Cummins's abandonment of the ministry, and nullified any episcopal acts which he might thereafter attempt to perform. This had the advantage of avoiding the damaging publicity which would follow upon a public trial; but it had the serious disadvantage of being slow. The canon stipulated that a period of six months had to be granted to any

individual against whom the canon was intended to operate, and only at the end of that six months' period would the nullification begin to operate.

The difficulty this presented was obvious: for six months, Cummins's episcopal actions remained canonically valid, which meant that any such actions taken within that time period possessed full canonical standing. And Cummins proceeded to take immediate advantage of that by proceeding to consecrate as a second bishop of the Reformed Episcopal Church the Rev. Dr. Charles Edward Cheney of Chicago. But Cheney posed a difficulty of his own for Cummins. Although the technicality of the canons might grant standing to Cummins's action as a bishop, Cheney's personal history raised a serious question as to whether he was a proper subject for episcopal orders. Cheney had been ordained deacon and priest in the Episcopal Church by Bishop W.H. DeLancey (Western New York) and had been rector of Christ Church, Chicago, since 1860. However, in 1869, he collided with the Bishop of Illinois, Henry J. Whitehouse, over his refusal to use the word "regeneration" in the baptismal office (this had become a point of serious issue between Evangelicals and Anglo-Catholics throughout the Church). Whitehouse cited Cheney and had him tried before a diocesan court (which found Cheney guilty) in July, 1869; and when Cheney proved unrepentant, he was brought before the court again for contumacy in February, 1871, found guilty, and declared by Whitehouse on June 2, 1871, to be deposed from the priesthood. On those terms, it would appear that Cheney was not, in fact, a proper candidate for orders; and since Cheney was the only bishop consecrated by Cummins within the six months' period when his episcopal actions were still considered canonical (and before he himself was declared deposed), it would appear that the episcopate of the Reformed Episcopal Church died at that moment, and that any subsequent ordinations and consecrations proceeding from Cheney (or from others consecrated by Cummins after his own deposition).

However, to raise yet one more difficulty in this already very complicated story, it has to be pointed out that the canons of the Diocese of Illinois required that the composition of an ecclesiastical court convened for the purposes of trial had to remain the unchanged from start to finish, or else the trial process would have to be re-started (a provision obviously intended to protect the rights of defendants). In Cheney's case, one member of the trial court, Henry Niles Pierce, was elected Bishop of Arkansas subsequent to Cheney's first trial and thus became canonically resident in another diocese (and ineligible to serve on an Illinois diocesan court). Thus, when the court re-assembled in 1871 to convict Cheney of contumacy, it was in fact a canonically defective court under the Illinois canons. This fact was repeatedly brought to Bishop Whitehouse's attention; but Whitehouse and Cheney had enjoyed a long history of bad feeling over issues ranging from Civil War-era politics (Cheney had been a supporter of Lincoln, Whitehouse a Confederate sympathizer) to mishandling of diocesan funds, and Whitehouse waved away the objections. That does not, however, erase the fact that Cheney's deposition was canonically defective (especially if we are going to make close judgements about Cummins's episcopal acts based on strict

interpretations of the national canons). And if so, then we are left with no other conclusion than that Cheney was not, in fact, ever legally deposed; and was therefore a somewhat unusual, but altogether valid, recipient of episcopal orders.

If there is anything left unresolved in all of this, it is the peculiar fact that Reformed Episcopal orders have never been seriously challenged on the most visible grounds available for such a challenge, and that is the inescapable fact that Cummins acted alone in consecrating Cheney. Although the Orthodox would probably find this omission the most scandalous of all, the Anglican tradition (following the general tradition of orders in the West) tends to put so much confidence in the action of the bishop as the personal successor to the apostles, that instances of single consecrations have been repeated enough to pull the sting of that objection, even for the most hostile Anglo-Catholic critics.

Looking at the subsequent history of Reformed Episcopal ordinations, consecrations, and theory of orders yields evidence of some of the same rather unusual, but still consistent, behavior. Two minor difficulties which are often raised concerning Reformed Episcopal orders (even by those who otherwise grudgingly grant the canonical status of both Cummins and Cheney) concern:

- (a) the subsequent propriety of candidates for orders; and
- (b) the form used in consecrations.

One of the major points of contention between the Evangelicals and Anglo-Catholics in the Episcopal Church of the 1850's and 1860's was the claim made by Anglo-Catholics to the possession of exclusive ministerial grace through the apostolic succession of bishops. The Evangelicals bitterly repudiated this as being what they deemed an un-reformed and anti-ecumenical gesture, and as soon as the Reformed Episcopalians organized themselves, they immediately attempted to put Anglo-Catholic pretensions of that sort in their place by proclaiming the ontological parity (but not functional parity) of bishops with all other presbyters, and the equivalency of all other valid Protestant ministries with their presbyters and deacons. This meant, in practical terms, that Protestant ministers of other denominations could enter the ministry of the Reformed Episcopal Church as deacons or presbyters without re-ordination. From the beginning, this has created the possibility that a minister who had never been episcopally ordained could, by entering the Reformed Episcopal Church as a presbyter-by-transfer, become a bishop himself and be responsible for ordaining or consecrating others; that would, of course, raise some serious questions about the validity of such actions (unless, ironically, Reformed Episcopalians were to take the very Anglo-Catholic tack of insisting that the conferral of the episcopate includes within it the conferral of all the lesser orders).

But, in fact, the Reformed Episcopalians, while they have taken ministers of other Protestant churches into their ranks (and, to be even-handed, have taken two Roman Catholic priests, as well) without re-ordination, have also been noticeably and instinctively shy of admitting them to the episcopate. Only two bishops of the Reformed Episcopal Church have ever entered the Reformed Episcopal episcopate without first being ordained deacon and presbyter within the Reformed Episcopal Church, and both of them (Samuel K. Fallows

and Thomas W. Campbell) were admitted and consecrated in the nineteenth century. There have been no examples of such consecrations in this century. Moreover, it is not often noticed that while the Reformed Episcopal canons make declarations about the parity of other ministries, the Reformed Episcopal Book of Common Prayer provides for a service of "Reception of Presbyters" which requires ministers otherwise ordained to be received and inducted personally by a Reformed Episcopal bishop, who then gives the minister "the right hand of fellowship." Had the bishop been required to place a hand on the minister's head instead of in his right hand, we would have (and maybe we do have anyway) what amounts for all intents and purposes to a sub conditione re-ordination.

The mention of the Reformed Episcopal Book of Common Prayer brings the other question to the fore, and that concerns the form of ordinations and consecrations. If we assume for a moment (as the nineteenth century would have) that the Anglican Ordinal as laid down in 1662 (and embodied in the post 1789 editions of the American Episcopal Book of Common Prayer) constitutes the primary acceptable form, then it is a matter of concern what form Cummins used for the consecration of Cheney in 1873. For if Cummins deviated seriously from that form, then it will be questioned whether the proper form was used, regardless of the canonical status of either person involved.

Fuel for that doubt was provided by Cummins himself. So much of the agitation over ritual which led to the Reformed Episcopal separation was bound up with quarrels over interpretation of the language of the Book of Common Prayer (especially in the Communion and Baptismal offices) that it comes as no surprise to find that Cummins's original call to organize the Reformed Episcopalians promised the abandonment of the 1789 Book of Common Prayer. Cummins promised to revert to the use of the so-called "Bishop White Prayer Book" (sometimes referred to as the 1785 "Proposed Book") which was originally drawn up for use by the Protestant Episcopal Church under its first bishop, William White, but withdrawn in favor of the version adopted in 1789. Cummins had mistaken the doctrinal minimalism of the 1785 Prayer Book for a sort of proto-Evangelical strike against High-Churchmanship, missing entirely the very Latitudinarian and non-Evangelical intentions of the 1785 Book. And had Cummins actually employed the 1785 Prayer Book to consecrate Cheney, it would be easy to attack Cheney's consecration on the grounds of defective form. But in fact, Cummins did not use the 1785 Prayer Book on that occasion; and indeed, he could not have used it, since the 1785 Prayer Book contained no ordinal. We are left instead to reconstruct from newspaper accounts of Cheney's consecration what the form used on that occasion was; and from an inspection of those accounts, it appears that Cummins fountinely followed the Ordinal of the then-current Episcopal Book of Common Prayer.

In fact, the defects of the 1785 Proposed Book became so readily apparent to the Reformed Episcopalians that it was never seriously used for any length of time. And when in 1875 the Reformed Episcopal Church finalized work on its own version of the Prayer Book, the result was to create a form for ordination and

consecration which, except for a few changes in minor terminology, followed the then-prevalent Episcopal and Church of England uses. Today, in an atmosphere of liturgical renewal and experimentation within Anglicanism, it is growing more difficult to specify a standard Anglican form in ordination and consecration apart from the most basic elements of rite; and in such an atmosphere, it becomes correspondingly harder to suggest that Reformed Episcopal ordinations and consecrations suffer defect by deviating from from such a "standard."

Conclusion: This brief survey of the question of Reformed Episcopal orders has noted that opinion on the subject of their validity has been far from uniform since 1873. Consequently, it is necessary to judge that validity against the most important and objective liturgical norms, such as the origin of Reformed Episcopal orders, their canonical status, their transmission, and the form used in ordination and consecration. When this is done, I am inclined to suggest that, despite some inconsistencies, a clearly recognizeable Anglican pattern emerges. Whatever protests Reformed Episcopalians have made over the years about the parity of ministries, or the parity of presbyters and bishops, the truth is that, canonically and personally, Reformed Episcopal bishops have only ever behaved in the most normally Anglican fashion. Specifically, it is significant that Reformed Episcopal convention journals keep a scrupulous episcopal succession list; that confirmation and ordination remain exclusive episcopal perquisites; and that Reformed Episcopal bishops, in contrast to episcopi vagantes, serve specific and stable geographical jurisdictions. That there have been inconsistencies on the subject of ministry and orders over the years is not denied; but if every Anglican province had judged every other province on the basis of inconsistencies of this sort, there would probably be no Anglican Communion at all.